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5 Counsel for Defendant RAMIREZ-GARCIA

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7
8 IN THE UNITED STATES DISTRICT COURT
9
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12) No. CR 08-0172 DLJ
Plaintiff,)
13)
v.) STIPULATION AND
14) ORDER CONTINUING FILING AND
15) HEARING DATE ON MOTION TO
MARCOS RAMIREZ-GARCIA,) DISMISS; EXCLUSION OF TIME
16)
Defendant.)
17 _____

18 IT IS HEREBY STIPULATED, by and between the parties to this action, that the hearing date
19 for defendant's motion to dismiss, currently scheduled for Friday, December 19, 2008 at 11:00 a.m.
20 is hereby continued to Friday, January 23, 2008, at 11:00 a.m. It is further stipulated that the filing
21 dates are hereby vacated and continued as follows: defendant's motion to dismiss shall be filed no
22 later than Friday, December 19, 2008; the government's opposition shall be filed no later than
23 Friday, January 9, 2009 and defendant's reply shall be filed no later than Friday, January 16, 2009.
24 The parties stipulate that the time from December 19, 2008, to January 23, 2009, should be excluded
25 in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv)
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1 for adequate preparation of counsel so that defense counsel can obtain additional copies of the tapes
2 from the immigration hearings in this matter and continue to prepare for the filing of the motion .

3 DATED: November 21, 2008 /S/

4 JOYCE LEAVITT
5 Assistant Federal Public Defender

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7 DATED: November 21, 2008 /S/

8 JAMES MANN
9 Assistant United States Attorney

10 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
11 conformed signature “/s/” within this e-filed document.
12

13 **ORDER**

14
15 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date for
16 defendant’s motion to dismiss, currently scheduled for Friday, December 19, 2008 at 11:00 a.m. is
17 hereby continued to Friday, January 23, 2009 at 11:00 a.m.

18 IT IS FURTHER ORDERED that the filing dates are hereby vacated and continued as follows:
19 defendant’s motion to dismiss shall be filed no later than Friday, December 19, 2008; the
20 government’s opposition shall be filed no later than Friday, January 9, 2009 and defendant’s reply
21 shall be filed no later than Friday, January 16, 2009.
22

23 IT IS FURTHER ORDERED that the time from December 19, 2008, should be excluded in
24 accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for
25 adequate preparation of counsel. The Court finds that the ends of justice served by the granting of
26 the continuance outweigh the best interests of the public and the defendant in a speedy and public

1 trial and the failure to grant the requested continuance would unreasonably deny counsel the
2 reasonable time necessary for effective preparation, taking into account due diligence.

3 SO ORDERED.

4 DATED: November 24, 2008

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6 HONORABLE D. LOWELL JENSEN
7 United States District Judge
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